

Date 06/02/08

**Environmental Management Consolidated Business Center (EMCBC)****Subject: EMCBC or Service Level Agreement (SLA) Quality Assurance Plan for National Environmental Policy Act (NEPA) Process**

Plan

APPROVED: \_\_\_\_\_

EMCBC Director

ISSUED BY: Office of Technical Support and  
Asset Management**1.0 PURPOSE**

This QAP will provide additional confidences that the Department of Energy (DOE) proposed actions executed by the EMCBC or SLA Site are completed in accordance with DOE's policy to follow the letter and spirit of NEPA. The QAP will address the Council on Environmental Quality (CEQ) Regulations and ensure the NEPA review process is applied early in the planning stages for DOE proposals.

This QAP defines policy, responsibilities, and requirements, and provides guidance for using DOE NEPA Implementing Procedures (10 Code of Federal Regulations [CFR] 1021). Attachment A provides a matrix of EMCBC/SLA responsibilities.

**2.0 SCOPE**

The scope of this plan is to provide a systematic approach so that quality assurance is applied to all steps of the NEPA process.

The scope of this plan encompasses the preparation, review, approval, and issuance of NEPA documentation at either the EMCBC or SLA site including:

- Categorical Exclusion (CX)
- Environmental Assessment (EA)
- Finding of No Significant Impact (FONSI)
- Notice of Intent (NOI)
- Environmental Impact Statement (EIS)
- Record of Decision (ROD)
- Any other document prepared pursuant to NEPA or the CEQ Regulations

**3.0 APPLICABILITY**

This plan is applicable to EMCBC or SLA personnel who establish or verify the level of quality assurance that is necessary in support of the preparation of either a Categorical Exclusion, Environmental Assessment or Environmental Impact Statement and associated documentation

## 4.0 REQUIREMENTS/REFERENCES

### 4.1 Requirements

- 4.1.1 DOE O 451.1B, DOE NEPA Compliance Program
- 4.1.2 40 CFR Parts 1500-1508, Council on Environmental Quality NEPA
- 4.1.3 10 CFR Part 1021, DOE NEPA Implementing Procedures

### 4.2 References

- 4.2.1 National Environmental Policy Act of 1969 (41 U.S. Code 4321 et seq.)
- 4.2.2 40 Code of Federal Regulations (CFR) Parts 1500-1508, “*Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act.*”
- 4.2.3 10 CFR Part 1021, “*NEPA Implementing Procedures.*”
- 4.2.4 DOE, “*Secretarial Policy Statement on the National Environmental Policy Act*”, dated June 1994.
- 4.2.5 DOE O 231.1A, Change 1, ENVIRONMENT, SAFETY AND HEALTH REPORTING, dated June 3, 2004.
- 4.2.6 DOE O 414.1C, QUALITY ASSURANCE, dated June 17, 2005.
- 4.2.7 DOE O 451.1B, Change 1, NATIONAL ENVIRONMENTAL POLICY ACT COMPLIANCE PROGRAM, dated September 28, 2001.
- 4.2.8 DOE-HQ, Office of NEPA Oversight (EH-25) Paper, “*Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements,*” second edition, dated December 2004EMCBC/SLA PL-451-01, National Environmental Policy Act (NEPA) Compliance Program Plan
- 4.2.9 EMCBC/SLA NEPA IP-451-02, Establishing the Level of National Environmental Policy Act Review and Documentation

## 5.0 RESPONSIBILITIES

Organizational roles and responsibilities for compliance with NEPA are to be performed in accordance with the requirements of DOE O 451.1B, Change 1. Organizational roles and responsibilities are further defined in the *DOE Secretarial Policy Statement on the National Environmental Policy Act*, June 1994. A matrix of organizational roles and responsibilities are defined by DOE O 451.1B. Change 1, is provided in Attachment A of this plan.

## 6.0 IMPLEMENTATION REQUIREMENTS

- 6.1 Approval of Contractors Quality Assurance Plan - At the discretion of the cognizant EMCBC/SLA Contracting Officer's Representative (COR) or EMCBC/SLA Director, contractors may be required to develop QAPs that comply with NEPA and Quality Assurance (QA) references provided in Section 4.0. If a contractor NEPA QAP is required, the NEPA Document Manager (NDM), COR, or NCO shall review and approve the contractor's QAP to ensure that the contractor's plan adequately complies with these requirements.

Project specific QAP's are required for all EIS's. A template for a QAP is provided in Attachment B of the plan.

### 6.2 Preparations and QA Review of NEPA Documents

- 6.2.1 Establishing the Level of NEPA Review - The method for determining the level of NEPA review required when the NEPA process begins shall be in accordance with the requirements of DOE O 451.1B, Change 1, and is provided in EMCBC/SLA IP-451-02, *Establishing the Level of NEPA Review and Documentation*.

- 6.2.2 Categorical Exclusion Process - The process for preparation, review, approval, and issuance of CX's shall be in accordance with the requirements of DOE O 451.1B, Change 1 and is provided in EMCBC/SLA IP-451-03, *Categorical Exclusion (CX) Process*.

- 6.2.3 Environmental Assessment/Finding of No Significant Impact Process - The process for preparation, review, approval, and issuance of EA's and FONSI's shall be in accordance with the requirements of DOE O 451.1B, Change 1, and is provided in EMCBC/SLA IP-451-04, *Environmental Assessment (EA) Process*.

EA's do not always result in FONSI's, and may lead to the determination that preparation of an EIS is necessary.

- 6.2.4 Environmental Impact Statement/EIS Implementation Plan/EIS Record of Decision Process - The process for preparation, review, approval and issuance of EIS's and associated documents shall be in accordance with the requirements of DOE O 451.1B, Change 1, and is provided in EMCBC/SLA IP-451-05, *Environmental Impact Statement (EIS) Process*.

### 6.3 Assessment of EMCBC/SLA NEPA Process

- 6.3.1 Assessment Procedure - The procedure for assessing the contractor's NEPA process, including the preparation, review, approval, and issuance of NEPA

documentation, shall be in accordance with the requirements of DOE O 451.1B, Change 1, and is provided in EMCBC/SLA PL-451-01.

- 6.3.2 Additional Guidance - The “*Office of NEPA Oversight Paper*” provides additional guidance of recommendations that should materially aid those responsible for preparation and review of NEPA documents in focusing on significant environmental issues, adequately analyzing environmental impacts, and effectively presenting the analysis to decision makers and the public.

## 7.0 ATTACHMENTS

7.1 Attachment A - Matrix of EMCBC/SLA Roles and Responsibilities as Defined in DOE O 451.1B, Change 1

7.2 Attachment B - Template for a Contractor NEPA Quality Assurance Plan

## EMCBC/SLA RESPONSIBILITIES

### MATRIX OF ORO ROLES AND RESPONSIBILITIES AS DEFINED IN DOE ORDER 451.1B

	DOE ORDER AND ORIG. PARAGRAPH NUMBERS*															
DOE ORDER 451.1B	5.a (1)	5.a (2)	5.a (3)	5.a (4)	5.a (5)	5.a (6)	5.a (7)	5.a (8)	5.a (9)	5.a (10)	5.a (11)	5.a (12)	5.a (13)	5.a (14)	5.d	5.e
EMCBC/SLA Director	•	•					•			•						
CORs				•	•	•										
NCO			•					•	•	•	•	•	•	•	•	
NDM			•						•		•	•	•			•
Director, P&CD				•												
Director, P&BD					•											
Office of Chief Council									•		•	•	•	•		

\*See Page 2-2 – 2-5 for paragraph description key

#### LEGEND:

EMCBC -

COR – Contracting Officer’s Representative

NCO – NEPA Compliance Officer

NDM – NEPA Document Manager

P&CD –Procurement & Contracts Division

P&BD –Planning & Budget Division

SLA - Service Level Agreement Site

**Attachment A**  
(con't)

Paragraph No.	DESCRIPTION
5.a.	<u>Field Officers</u> are persons responsible for managing a DOE Field Office or similar field organizations, who report directly to a Secretarial Officer. For the purpose of DOE O 451.1B, Change 1, the Director of EMCBC or FPDs of SLA sites are the Field Officer. Each Field Officer shall for matters under his authority:
5.a.(1)	Establish a NEPA compliance program and use the NEPA process early in project and program planning to consider environmental factors along with other relevant information.
5.a.(2)	Maintain a DOE NEPA Compliance Officer for the office.
5.a.(3)	Ensure that a NEPA Program Plan, a quality assurance plan and a public participation plan are prepared for the office.
5.a.(4)	Include in new contracts and grants a provision that the awardee may not undertake on DOE's behalf an action that is subject to NEPA and DOE has notified the awardee that DOE has satisfied applicable NEPA requirements.
5.a.(5)	Incorporate NEPA milestones in project planning documents.
5.a.(6)	Incorporate NEPA compliance status information in internal budget review documents.
5.a.(7)	Submit an annual NEPA planning summary to the Office of General Council by January 31 of each year and make it available to the public.
5.a.(8)	Determine that an environmental assessment or an environmental impact statement is appropriate or required.
5.a.(9)	After an environmental assessment determination, prepare and issue an environmental assessment. Responsibilities for approving and adopting environmental assessments and issuing findings of no significant impact may not be delegated except as provided in DOE O 451.1B, Change 1. In addition to meeting requirements established in the Regulations, responsibilities include:
(a)	When another agency is involved in preparation, determining whether DOE shall be a lead or cooperating agency.
(b)	Obtaining concurrence of EMCBC Office of Legal Services (OLS) or if SLA Site their counsel in the legal adequacy of an environmental assessment before it is approved and in any finding of no significant impact before it is issued.

**Attachment A**  
(con't)

- (c) Determining, based on an environmental assessment, that the impacts of a proposed action are significant and that an environment impact statement is required, or issuing a finding of no significant impact when appropriate.
  - (d) When a commitment to mitigation is essential to render the impacts of a proposed action not significant, preparing a mitigation action plan for any such commitment before issuing the finding of no significant impact.
  - (e) Tracking and annually reporting progress made in implementing, and the effectiveness of, any commitment for environmental impact mitigation that is essential to render the impacts of a proposed action not significant.
- 5.a.(10) Request from the Office of General Counsel delegation of approval or adoption authority for a specific environmental impact statement when appropriate to expedite the review and approval process.
- 5.a.(11) When required by the Regulations, prepare a supplement analysis and with the concurrence of EMCBC OLS or SLA counsel, determine whether a supplemental or a new environmental impact statement is required for a proposed action, or whether no further documentation is required.
- 5.a.(12) Determine that a proposed action that may be interim action is clearly allowable under the Regulations. For a proposed action that may be an interim action not clearly allowable under the Regulations, provide the Office of General Counsel with a recommendation whether the proposed action may proceed.
- 5.a.(13) Incorporate NEPA values, such as analysis of cumulative, off-site, ecological, and socioeconomic impacts, to the extent practicable, in DOE documents prepared under the Comprehensive Environmental Response, Compensation, and Liability Act.
- 5.a.(14) When appropriate, request from the Office of General Counsel a variance from the DOE NEPA Regulations or from DOE O 451.1B.
- 5.d The NEPA Compliance Officer (NCO) shall, for matters under the authority of his/her program office or field organization.
- 5.d.(1) Develop program office or field organization NEPA procedures and information management requirements, and document in the office's organization's compliance with those procedures and requirements.
- 5.d.(2) For actions specifically listed in Appendix A or B to Subpart D of the DOE Regulations, make categorical exclusion determinations and approve and issue any required associated floodplain and wetland documents. These responsibilities may not be delegated except as provided in DOE O 451.1B, Change 1. Categorical exclusion determinations need not be documented. However, EMCBC/SLA NEPA Procedure 2, CX process requires an

**Attachment A**  
(con't)

- Environmental Impact determination and environmental checklist to be prepared, proposed and maintained in accordance with EMCBC/SLA records protocol.
- 5.d.(3) Report to the Office of NEPA Policy and Compliance on lessons learned after completing each environmental impact statement and environmental assessment.
- 5.d.(4) Coordinate NEPA compliance strategies for matters within the office's purview.
- 5.d.(5) Advise on NEPA related matters, including the provisions of the Regulations, the DOE NEPA Compliance Guide, DOE O 451.1B, Change 1, and any other related requirements and guidance.
- 5.d.(6) Recommend to the Head of the Office served (i.e., Secretarial Officer, Field Officer) whether an environmental assessment or environmental impact statement is appropriate or required.
- 5.d.(7) Assist with the NEPA process and document preparation.
- 5.d.(8) Advise on the adequacy of NEPA documents and other related documents.
- 5.d.(9) Participate in periodic NEPA meetings and workshops conducted by the Office of NEPA Policy and Compliance, provide NEPA training and disseminate NEPA guidance materials and related information.
- 5.d.(10) Notify the Office of NEPA Policy and Compliance promptly – generally, within two weeks of:
- (a) The designation of a NEPA Document Manager.
  - (b) A determination to prepare an environmental assessment.
  - (c) A transmittal of an environmental assessment to States, Tribes and, and when applicable, members of the public, other Federal agencies, and local governments for pre-approval review.
  - (d) A determination to prepare an environmental impact statement.
- 5.d.(11) Provide the Office of NEPA Policy and Compliance promptly - generally, within 2 weeks of their availability – five copies and one electronic file of:
- (a) An approved environmental assessment and finding of no significant impact.
  - (b) A proposed finding of no significant impact required under the Council on Environmental Quality Regulations.
  - (c) An approved draft or final environmental impact statement.

**Attachment A**

- (d) A record of decision for an environmental impact statement.
  - (e) A mitigation action plan and corresponding annual mitigation report. The mitigation report may be submitted on the anniversary of a mitigation action plan or in a combined report (for example, as part of the annual NEPA planning summary) for multiple plans until mitigation is completed.
  - (f) An environmental impact statement supplement analysis and any determination based on it.
- 5.e NEPA Document Manager shall, for the environmental impact statement or environmental assessment being prepared:
- 5.e.(1) Establish a team, representing all necessary DOE elements to plan, assist in preparing, and concurrently review documents.
  - 5.e.(2) Conduct an early internal scoping process.
  - 5.e.(3) Maintain tracking systems to monitor costs of and adherence to the schedule for the NEPA process.
  - 5.e.(4) Manage the document preparation process, including reviewing internal drafts for technical adequacy, controlling cost, and maintaining schedule.
  - 5.e.(5) Encourage and facilitate public participation through the NEPA process.
  - 5.e.(6) Evaluate, upon completion of the environmental impact statement or environmental assessment, any support contractor's performance for timelines, quality, cost effectiveness, responsiveness, and application of requirements and guidance.
  - 5.e.(7) Report to the Office of NEPA Policy and Compliance on lessons learned after completing the environmental impact statement or environmental assessment.

**Attachment B****TEMPLATE FOR A CONTRACTOR NEPA QUALITY ASSURANCE PLAN****NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)  
QUALITY ASSURANCE PLAN (QAP)****1.0 BACKGROUND**

**NOTE:** This section discusses the requirements and applicability of NEPA. The following is an example of text that could be included in this section.

Compliance with NEPA is required for all proposed Department of Energy (DOE) activities affecting the quality of the environment of the United States and its territories or possessions. NEPA requires the analysis and consideration of environmental impacts in Federal government decision-making. All DOE actions performed by EMCBC/SLA sites must be reviewed and evaluated for potential environmental impact. Preparation and review of NEPA documents can take several months. It is essential to consider NEPA requirements early in the planning process because (1) DOE regulations require it; (2) it makes for better planning and decision-making, and (3) it avoids potential delays and costs to the project. DOE must comply with the NEPA requirements before significant resources are committed to the proposed action.

EMCBC/SLA implementation of this DOE requirement is documented in the operating procedure (**NOTE:** List all EMCBC/SLA contractor operating and administrative NEPA procedures here) and individual internal procedures within the affected organizations. Implementation of a QAP will assure continued compliance with NEPA by requiring the evaluation of all controls and documents used in the program.

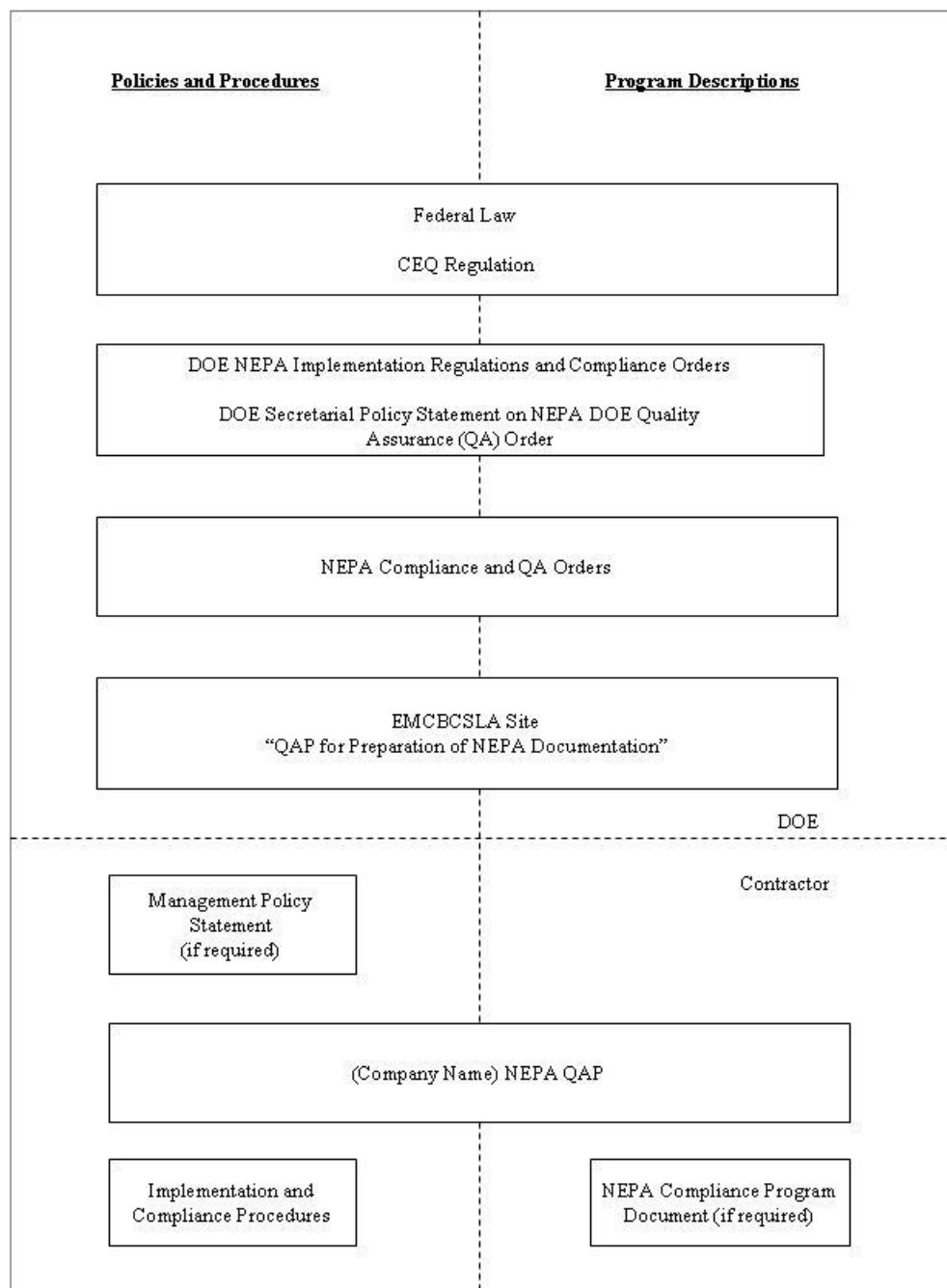
**2.0 DRIVERS**

Some DOE Directives and memoranda outline authorities and responsibilities within DOE, as well as requirements for document preparation. These requirements are illustrated in Figure B-1.

The following documents are used to develop and implement the NEPA Compliance Program. NEPA documents will utilize the applicable requirements of these documents. If additional requirements are added, this QAP will be reviewed to reflect the most current requirements.

**Attachment B**  
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**TEMPLATE FOR A CONTRACTOR NEPA QUALITY ASSURANCE PLAN**



**Figure B-1. NEPA Document Hierarchy**

**Attachment B**  
(con't)

DOE NEPA program drivers include the following:

- “*National Environmental Policy Act of 1969*”, 42 U.S. Code 4321 et seq.
- 40 CFR Parts 1500-1508, “*Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the national Environmental Policy Act*”.
- 10 CFR Part 1021, “*NEPA Implementing Procedures*”.
- 10 CFR Part 1022, “*Compliance with Floodplain/Wetlands Environmental Review Requirements*”.
- DOE “*Secretarial Policy Statement On The National Environmental Policy Act*,” dated June 1994.
- DOE-HQ, “*Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements*,” dated May 1993.
- DOE O 451.1B, Change 1, NATIONAL ENVIRONMENTAL POLICY ACT COMPLIANCE PROGRAM, dated September 28, 2001.
- DOE O 414.1C, QUALITY ASSURANCE, dated June 17, 2005.
- DOE 450, Chapter II, Change 1, NATIONAL ENVIRONMENTAL POLICY ACT COMPLIANCE PROGRAM, dated June 14, 2006.

### 3.0 GENERAL

**(NOTE:** This section provides an overview of managerial and organizational responsibilities and commitments. An organizational chart can be used to highlight organizations with responsibility for NEPA compliance. Listed below is an example of how this section could be structured).

The contractor QAP for the review of NEPA documentation is written to show how the contractor’s NEPA Compliance Program satisfies the applicable requirements of DOE Order 414.1C. To clearly demonstrate this relationship, the contractor QAP is arranged to match the format of DOE O 414.1C, Attachment 1, *Contractor Requirements Document*.

The contractor’s implementation of its QAP at either EMCBC or SLA sites will successfully accomplish the objective of providing and maintaining a prevention-oriented program. A proactive approach to NEPA compliance activities will ensure deliverables meet requirements and satisfy DOE’s expectations, now and in the future.

**Attachment B****4.0 QUALITY ASSURANCE CRITERIA (OAC)**

The QAC include subsections describing the applicable QAC in the areas of management, performance, and assessment as identified in DOE O 414.1C, Description of the content of each subsection listed below are included in the COE O 414.1C, Section 4b, “*Quality Assurance Criteria*”.

- 4.1 Program: Describe in detail all contractor organizations with responsibilities and authority for NEPA compliance.
- 4.2 Personnel Training and Qualification: Describe NEPA training for responsible individuals (Program Coordinators) as well as for document preparers.
- 4.3 Quality Improvement: Describe or refer to quality control measures used during document preparation and review.
- 4.4 Documents and Records: Include a discussion of the system used for tracking NEPA documentation.
- 4.5 Work Processes: Describe processes for performing work to support NEPA analyses.
- 4.6 Design: These criteria may not be applicable based on the contractor’s NEPA implementation. Refer to DOE O 414.1C for detailed description.
- 4.7 Procurement: Establish procurement requirements for items and services performed by contractors.
- 4.8 Inspection and Acceptance Testing: These criteria may not be applicable based on the contractor’s NEPA implementation. Refer to DOE O 414.1C for detailed description.
- 4.9 Management Assessment: Include a discussion of internal assessment performed by individuals and organizations responsible for program compliance.
- 4.10 Independent Assessment: Include a discussion of assessments performed by individuals and organizations (internal or external) who are not responsible for program compliance.

**EMCBC RECORD OF REVISION****DOCUMENT**

If there are changes to the controlled document, the revision number increases by one. Indicate changes by one of the following:

- 1 Placing a vertical black line in the margin adjacent to sentence or paragraph that was revised.
- 1 Placing the words GENERAL REVISION at the beginning of the text.

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<b>Rev. No.</b>	<b>Description of Changes</b>	<b>Revision on Pages</b>	<b>Date</b>
1	Initial Plan	All	06/02/08